

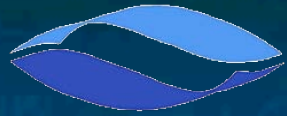


Cook Inlet Beluga Whales

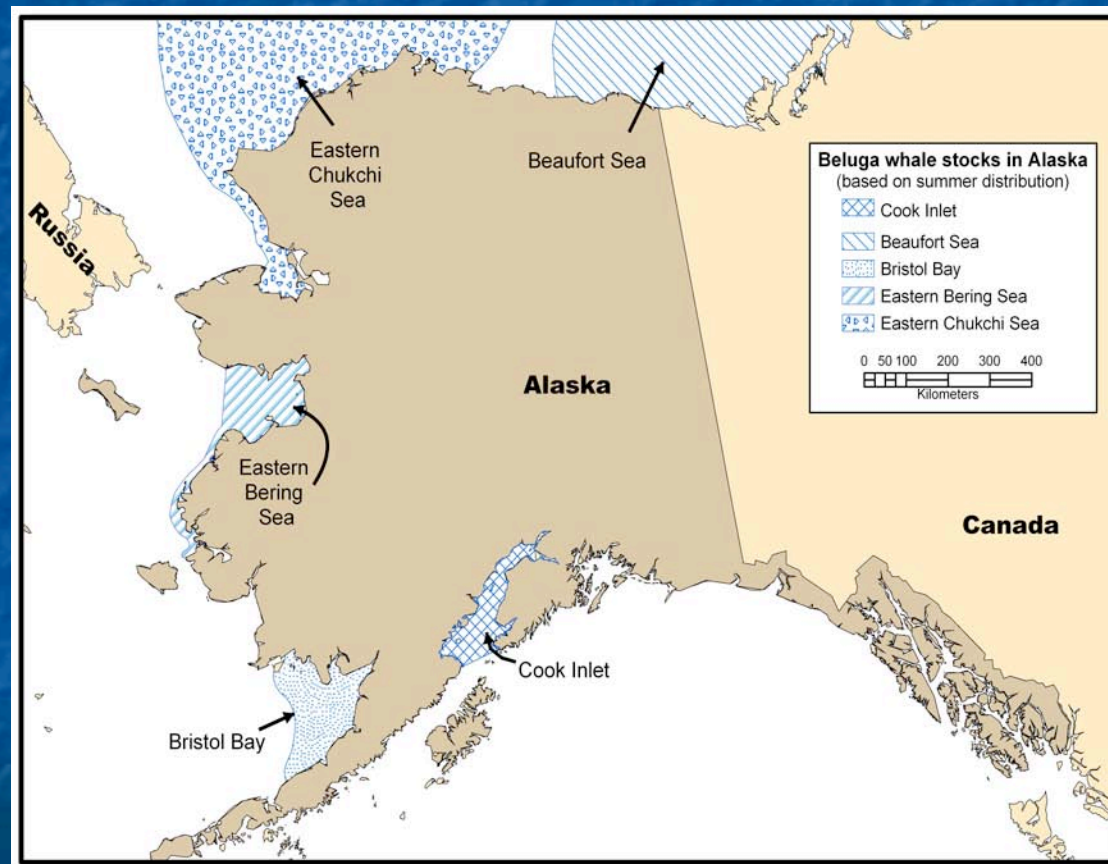
Endangered Species Listing

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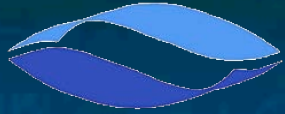
Alaska Beluga Stocks





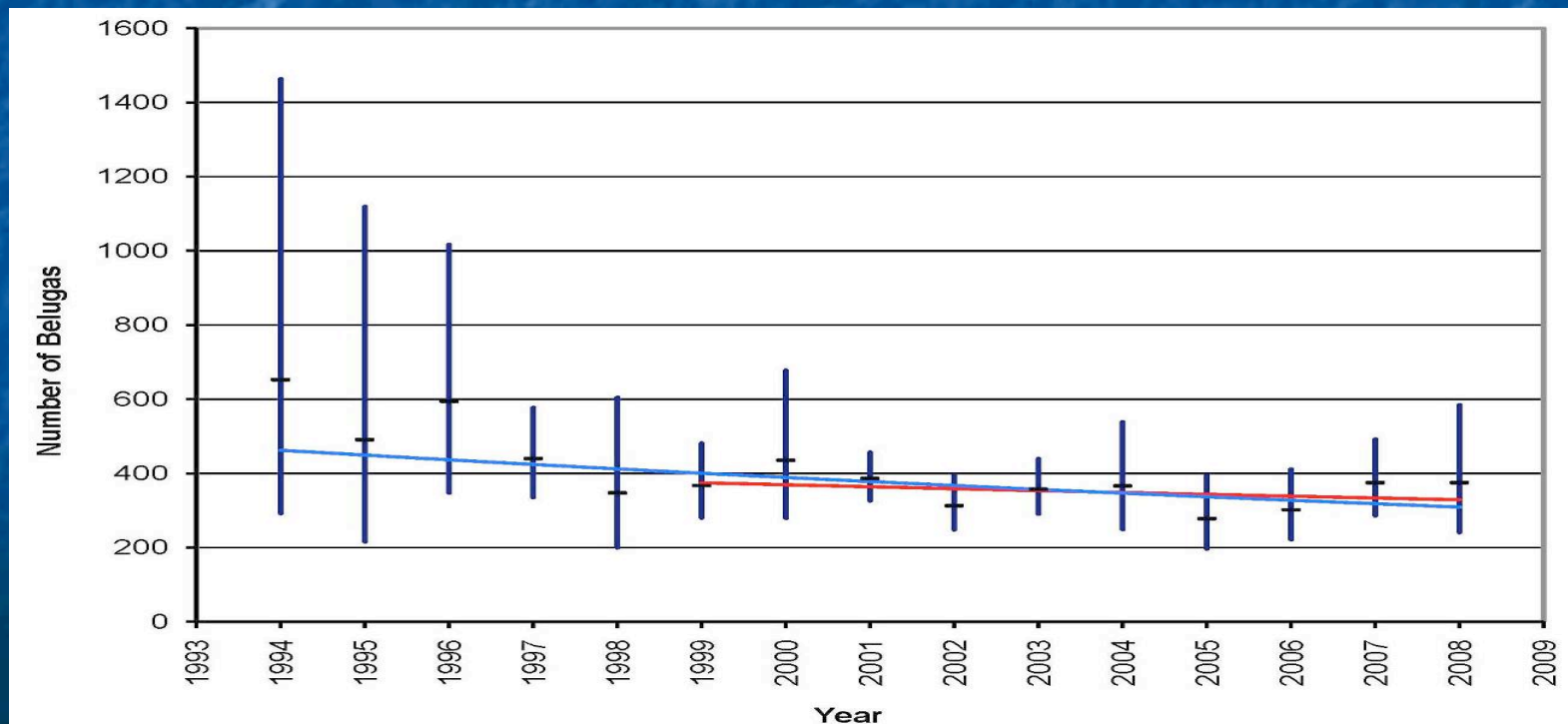
CI Beluga Is a Species

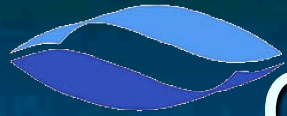
- The ESA defines “species” to include any subspecies and any distinct population segment (DPS) which interbreeds when mature
- A DPS must be discrete from other populations and significant to the species
- Discrete: isolated (may be physically, genetically) from other beluga populations
- Significant: only belugas in Gulf of AK



Population is Decreasing

- Trend from 1999 (end of unregulated harvest) to 2008 = -1.45% annually





Conservation under the ESA

What does the listing mean for you?

- Prohibitions – “taking”
- Section 7 Consultations – federal nexus
- Section 10 permits - no federal nexus
- Recovery Planning
- Critical Habitat Development



Prohibitions

- “Taking” of a listed species is prohibited without authorization (permits)
- “Taking” means to **harass, harm**, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct



Federal Consultations – Sec 7

- Congress directs Federal agencies to conserve listed species
- ESA requires Federal agencies to consult on the effects of their actions on listed species and critical habitat



When is Sec 7 Consultation Required?

- There is a federal nexus
- Nexus- any action that a Federal agency funds, authorizes or carries out that “may affect” a listed species or critical habitat
- Federal action agency makes this determination
- Effects analysis includes both direct and indirect effects.



Consultation - Steps

- Species List
- Assessment – provided by the federal action agency
- No effects – no consultation
- “May affect” – triggers the consultation
- Informal Consultation
- Formal Consultation
- Potential mitigation
- Take authorizations



Consultation – Federal Actions

Action “may affect” listed species
or critical habitat

▶ Action is likely to adversely affect
listed species or modify CH

▼
Not likely to adversely affect
listed species or modify CH

▼
Formal consultation
135 days

▼
NMFS concurs
Informal consultation concluded

▶
Biological Opinion
Jeopardy or
Adverse modification

◀
Biological Op.
No “JAM”

Incidental Take Statement authorizes “take”



Definitions

- Not likely to adversely affect- effect is discountable, insignificant or beneficial
- Jeopardy- An action cannot jeopardize the continued existence (survival and recovery) of a listed species
- Adverse modification- The action cannot impact the essential features of the habitat to a degree that does not allow for recovery of the species



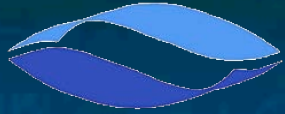
Section 10 - No Federal nexus

- Section 10 Incidental Take Permits for take
- Requested with submission of a Habitat Conservation Plan



Habitat Conservation Plans

- An Incidental Take Permit is required when non-Federal activities will result in “take” of threatened or endangered wildlife.
- A habitat conservation plan (HCP) must accompany an application for an incidental take permit. The purpose of the habitat conservation planning process associated with the permit is to ensure there is adequate minimizing and mitigating of the effects of the authorized incidental take.
- The purpose of the incidental take permit is to authorize the incidental take of a listed species, not to authorize the activities that result in take.



Recovery Plan

- ESA requires preparation of a Recovery Plan for CI belugas
- Purpose:
 - identify threats, present specific actions to conserve the species
 - Determine recovery criteria for down/de-listing
 - Estimates time and cost to achieve recovery
- Does not mandate actions or provide funds



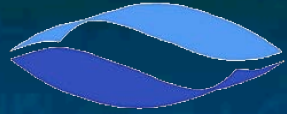
Critical Habitat

- The specific areas on which are found those features essential to conservation of the species and which may require special management
- ESA requires CH to be designated at time of listing, or no later than one year from listing if not determinable at the time of listing
- Economic analysis needed – cost/benefit
 - Test- do benefits of exclusion outweigh the benefits of inclusion (w/o risking extinction)?



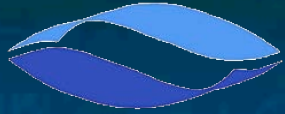
Critical Habitat Designation

- Identify physical and biological features that are essential to the conservation of the species. May include:
 - Space for growth and behavior, food, water etc, cover or shelter, sites for breeding
 - Eg. For CIB these may be things such as prey species, water depth, bottom type, shoreline type, river features

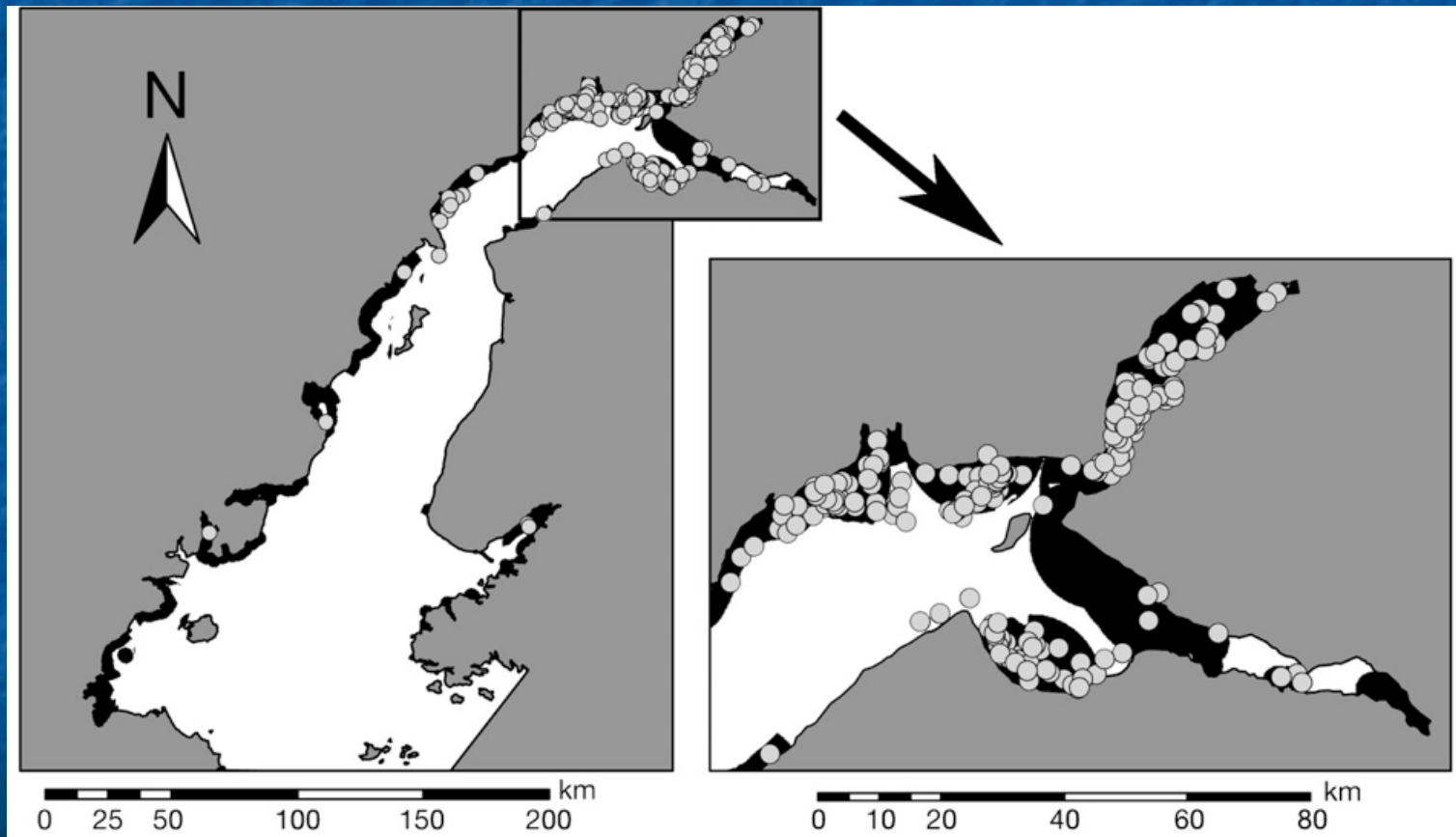


Critical Habitat Designation

- Identify areas where features are found
- Identify potential exclusions based on economic analysis



Habitat Use



Valuable Habitat Type Designation



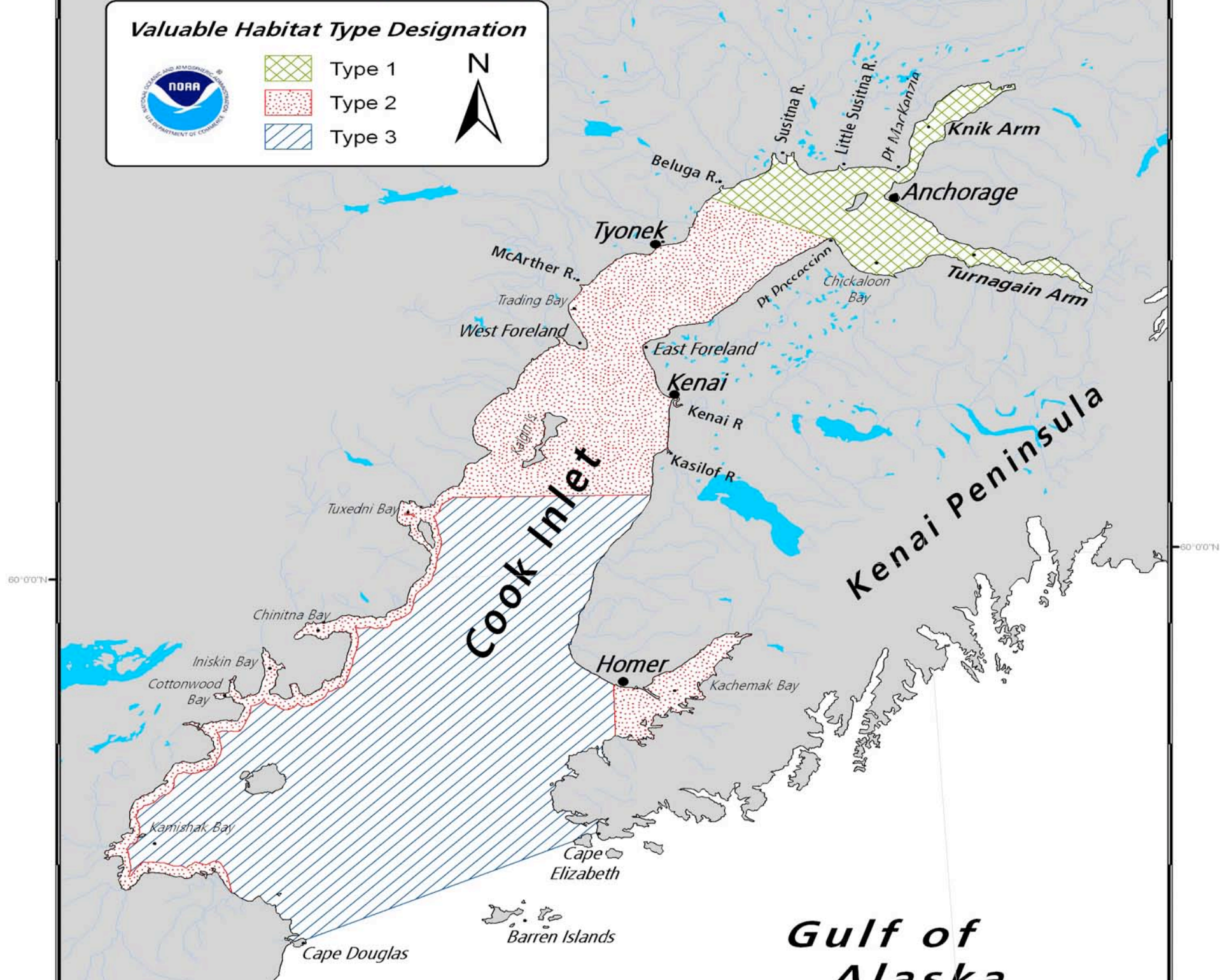
Type 1

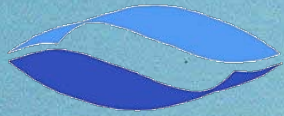


Type 2



Type 3





Next Steps?

- Recovery Planning:
 - Complete Recovery Outline
 - Initiate recovery team/plan process
- Critical habitat designation
- Federal Agency Consultations



Thank you

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